

Notice of Allowability

Application No.

10/786,910

Examiner

David J. Parsley

Applicant(s)

GEARHART, RANDY

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment dated 8-26-05.
2. ☒ The allowed claim(s) is/are 20-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dan Chase on 11-2-05.

The application has been amended as follows: in claim 20 on line 8 replace the term "generally" with the term - -substantially- -.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: the combination of limitations "...a skirt of a thin flat resilient material having a hub through which a fishing line passes..." and "...said primary legs comprising circumferentially-spaced groups of secondary, substantially parallel legs, each of said secondary legs being smaller than the primary legs in a single dimension, said secondary legs comprising each group of secondary legs being disposed in side-by-side relationship to define the entire area of said corresponding primary legs, each of said groups of secondary legs presenting a corresponding primary leg and including free strips of said resilient material having inner ends joined together exclusively at said hub, said strips of each group extending from said hub in side-by-side relationship and having free ends that define

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said outer end of the respective primary leg, the outer ends of the primary legs defining the perimeter of the skirt..." in claim 20 are not found in combination in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

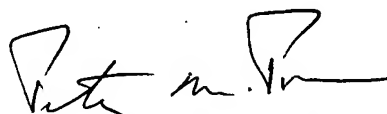
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Parsley
Patent Examiner
Art Unit 3643



PETER M. POON
SUPERVISORY PATENT EXAMINER

11/4/05

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21. (New) The fishing lure apparatus as claimed in claim ~~20~~¹, wherein said skirt further includes a plurality of circumferentially spaced, resilient tertiary legs extending radially outwardly from said hub and said line generally in said plane, each of said tertiary legs being shorter than said primary legs and disposed between a respective pair of adjacent primary legs.

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22. (New) The fishing lure apparatus as claimed in claim ~~20~~¹, wherein said hub has a generally radially extending slit therein between each of said primary legs to provide an axis of bending movement for each of the primary legs independent of the movements of the secondary legs.

REMARKS

Newly presented Claims 20-22 are in this application.

Applicant appreciates the examiner's assistance in suggesting amendments to the claims that distinguish claims 20-22 over the prior art of record. It is believed by applicant that new independent claim 20 particularly defines each of the groups of secondary legs that presents a corresponding primary leg, and the characteristics of the secondary legs as set forth in the claim.

It is clear that the cited prior art does not show or suggest the fishing lure apparatus comprising the combination of elements as set forth in claim 20 and that, therefore, claim 20 and claims 21 and 22 dependent therefrom are allowable.

~~20.~~ (New) A fishing lure apparatus comprising:

a skirt of a thin flat resilient material having a hub through which a fishing line passes to

define a direction of advancement of the lure through the water when in use,

said skirt including a plurality of circumferentially spaced, resilient primary legs each

defining an area and extending radially outwardly from said hub and said line

generally in a common plane when the skirt is at rest,

each of said primary legs presenting an outer end,

said primary legs comprising circumferentially-spaced groups of secondary, ^{substantially}~~generally~~

parallel legs, each of said secondary legs being smaller than the primary legs in a

single dimension,

said secondary legs comprising each group of secondary legs being disposed in side-by-

side relationship to define the entire area of said corresponding primary legs,

each of said groups of secondary legs presenting a corresponding primary leg and including

free strips of said resilient material having inner ends joined together exclusively at

said hub, said strips of each group extending from said hub in side-by-side

relationship and having free ends that define said outer end of the respective

primary leg,

the outer ends of the primary legs defining the perimeter of the skirt whereby the primary

legs exhibit first order movements and the secondary legs exhibit second order

movements in response to force applied to said hub by said line when the lure is in

use.

DP
11-2-05